
By: **Chairman, Environmental Matters Committee (Departmental - Health and Mental Hygiene)**

Introduced and read first time: February 1, 2001

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Board of Physician Quality Assurance - Grounds for Discipline**

3 FOR the purpose of authorizing the State Board of Physician Quality Assurance to
4 discipline certain licensees, certificate holders, and registration holders who
5 have not met their continuing medical education requirements or who have
6 falsely reported that they have met the continuing medical education
7 requirements; and generally relating to grounds for discipline by the State
8 Board of Physician Quality Assurance.

9 BY repealing and reenacting, with amendments,

10 Article - Health Occupations

11 Section 14-404

12 Annotated Code of Maryland

13 (2000 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Health Occupations**

17 14-404.

18 (a) Subject to the hearing provisions of § 14-405 of this subtitle, the Board, on
19 the affirmative vote of a majority of its full authorized membership, may reprimand
20 any licensee, place any licensee on probation, or suspend or revoke a license if the
21 licensee:

22 (1) Fraudulently or deceptively obtains or attempts to obtain a license
23 for the applicant or licensee or for another;

24 (2) Fraudulently or deceptively uses a license;

25 (3) Is guilty of immoral or unprofessional conduct in the practice of
26 medicine;

- 1 (4) Is professionally, physically, or mentally incompetent;
- 2 (5) Solicits or advertises in violation of § 14-505 of this title;
- 3 (6) Abandons a patient;
- 4 (7) Habitually is intoxicated;
- 5 (8) Is addicted to, or habitually abuses, any narcotic or controlled
6 dangerous substance as defined in Article 27 of the Code;
- 7 (9) Provides professional services:
- 8 (i) While under the influence of alcohol; or
- 9 (ii) While using any narcotic or controlled dangerous substance, as
10 defined in Article 27 of the Code, or other drug that is in excess of therapeutic
11 amounts or without valid medical indication;
- 12 (10) Promotes the sale of drugs, devices, appliances, or goods to a patient
13 so as to exploit the patient for financial gain;
- 14 (11) Willfully makes or files a false report or record in the practice of
15 medicine;
- 16 (12) Willfully fails to file or record any medical report as required under
17 law, willfully impedes or obstructs the filing or recording of the report, or induces
18 another to fail to file or record the report;
- 19 (13) On proper request, and in accordance with the provisions of Title 4,
20 Subtitle 3 of the Health - General Article, fails to provide details of a patient's
21 medical record to the patient, another physician, or hospital;
- 22 (14) Solicits professional patronage through an agent or other person or
23 profits from the acts of a person who is represented as an agent of the physician;
- 24 (15) Pays or agrees to pay any sum to any person for bringing or referring
25 a patient or accepts or agrees to accept any sum from any person for bringing or
26 referring a patient;
- 27 (16) Agrees with a clinical or bioanalytical laboratory to make payments
28 to the laboratory for a test or test series for a patient, unless the licensed physician
29 discloses on the bill to the patient or third-party payor:
- 30 (i) The name of the laboratory;
- 31 (ii) The amount paid to the laboratory for the test or test series; and
- 32 (iii) The amount of procurement or processing charge of the licensed
33 physician, if any, for each specimen taken;

- 1 (17) Makes a willful misrepresentation in treatment;
- 2 (18) Practices medicine with an unauthorized person or aids an
3 unauthorized person in the practice of medicine;
- 4 (19) Grossly overutilizes health care services;
- 5 (20) Offers, undertakes, or agrees to cure or treat disease by a secret
6 method, treatment, or medicine;
- 7 (21) Is disciplined by a licensing or disciplinary authority or convicted or
8 disciplined by a court of any state or country or disciplined by any branch of the
9 United States uniformed services or the Veterans' Administration for an act that
10 would be grounds for disciplinary action under this section;
- 11 (22) Fails to meet appropriate standards as determined by appropriate
12 peer review for the delivery of quality medical and surgical care performed in an
13 outpatient surgical facility, office, hospital, or any other location in this State;
- 14 (23) Willfully submits false statements to collect fees for which services
15 are not provided;
- 16 (24) Was subject to investigation or disciplinary action by a licensing or
17 disciplinary authority or by a court of any state or country for an act that would be
18 grounds for disciplinary action under this section and the licensee:
- 19 (i) Surrendered the license issued by the state or country to the
20 state or country; or
- 21 (ii) Allowed the license issued by the state or country to expire or
22 lapse;
- 23 (25) Knowingly fails to report suspected child abuse in violation of § 5-704
24 of the Family Law Article;
- 25 (26) Fails to educate a patient being treated for breast cancer of
26 alternative methods of treatment as required by § 20-113 of the Health - General
27 Article;
- 28 (27) Sells, prescribes, gives away, or administers drugs for illegal or
29 illegitimate medical purposes;
- 30 (28) Fails to comply with the provisions of § 12-102 of this article;
- 31 (29) Refuses, withholds from, denies, or discriminates against an
32 individual with regard to the provision of professional services for which the licensee
33 is licensed and qualified to render because the individual is HIV positive;
- 34 (30) Except as to an association that has remained in continuous
35 existence since July 1, 1963:

- 1 (i) Associates with a pharmacist as a partner or co-owner of a
2 pharmacy for the purpose of operating a pharmacy;
- 3 (ii) Employs a pharmacist for the purpose of operating a pharmacy;
4 or
- 5 (iii) Contracts with a pharmacist for the purpose of operating a
6 pharmacy;
- 7 (31) Except in an emergency life-threatening situation where it is not
8 feasible or practicable, fails to comply with the Centers for Disease Control's
9 guidelines on universal precautions;
- 10 (32) Fails to display the notice required under § 14-415 of this title;
- 11 (33) Fails to cooperate with a lawful investigation conducted by the
12 Board;
- 13 (34) Is convicted of insurance fraud as defined in § 27-801 of the
14 Insurance Article;
- 15 (35) Is in breach of a service obligation resulting from the applicant's or
16 licensee's receipt of State or federal funding for the licensee's medical education;
- 17 (36) Willfully makes a false representation when seeking or making
18 application for licensure or any other application related to the practice of medicine;
- 19 (37) By corrupt means, threats, or force, intimidates or influences, or
20 attempts to intimidate or influence, for the purpose of causing any person to withhold
21 or change testimony in hearings or proceedings before the Board or those otherwise
22 delegated to the Office of Administrative Hearings;
- 23 (38) By corrupt means, threats, or force, hinders, prevents, or otherwise
24 delays any person from making information available to the Board in furtherance of
25 any investigation of the Board;
- 26 (39) Intentionally misrepresents credentials for the purpose of testifying
27 or rendering an expert opinion in hearings or proceedings before the Board or those
28 otherwise delegated to the Office of Administrative Hearings; [or]
- 29 (40) Fails to keep adequate medical records as determined by appropriate
30 peer review[.]; OR
- 31 (41) FAILS TO MEET THE CONTINUING MEDICAL EDUCATION
32 REQUIREMENTS FOR RENEWAL OF LICENSURE, CERTIFICATION, OR REGISTRATION
33 UNDER TITLE 14 OR 15 OF THIS ARTICLE, OR FALSELY REPORTS COMPLETION OF
34 THESE REQUIREMENTS.
- 35 (b) (1) On the filing of certified docket entries with the Board by the Office
36 of the Attorney General, the Board shall order the suspension of a license if the

1 licensee is convicted of or pleads guilty or nolo contendere with respect to a crime
2 involving moral turpitude, whether or not any appeal or other proceeding is pending
3 to have the conviction or plea set aside.

4 (2) After completion of the appellate process if the conviction has not
5 been reversed or the plea has not been set aside with respect to a crime involving
6 moral turpitude, the Board shall order the revocation of a license on the certification
7 by the Office of the Attorney General.

8 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2001.